

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of James M. Mathewson II, et al.

Serial Nbr: 09/909,537

Filed: July 20, 2001

For: Time-Sensitive Messages and Events

Art Unit: 2153

Examiner: Philip J. Chea

**DECLARATION OF FACT UNDER 37 C.F.R. §1.131**

We, James M. Mathewson, II and Keith A. Rafferty, hereby declare the following:

1) We are co-inventors of the invention described and claimed in U. S. Patent Application Number 09/909,537 (hereinafter, "the Subject Application"), entitled "Time-Sensitive Messages and Events", filed on July 20, 2001.

2) We conceived of the invention -- as described and claimed in Claims 1 - 5, 7, 9 - 12, 14 - 20, 22 - 24, and 26 of the Subject Application (hereinafter, "the claimed invention") -- in this country before May 23, 2001. Our prior conception to practice is evidenced by the following:

a) Attached hereto as Exhibit A are selected pages of an Invention Disclosure document prepared prior to May 23, 2001. These pages describe the claimed invention, which

comprises (in a first aspect) a method, system, and computer program product for handling time-sensitive messages by marking a message, by a creator thereof, as time-sensitive; sending the marked message from a computing device of the creator to a computing device of a recipient for whom the message was created, such that after the marked message is received at the computing device of the recipient, it will automatically be rendered to the recipient, and the recipient will be forced to respond thereto, within a time period of the time-sensitivity; and automatically receiving a reply from the recipient, sent from the computing device of the recipient to the computing device of the creator following the recipient's response thereto within the time period of the time-sensitivity and which comprises (in a second aspect) a method, system, and computer program product for improving electronic communications by receiving a plurality of electronic messages at a computing device of a recipient to whom the electronic messages are addressed; and evaluating the received electronic messages for processing by the computing device, where this evaluation further comprises: determining whether a selected one of the received electronic messages is time-sensitive, and requiring the selected one to be rendered to the recipient, and forcing the recipient to respond thereto, within a time period of the time-sensitivity if the determining step has a positive result and the time period of the time-sensitivity has been reached but not exceeded. (Portions of the Invention Disclosure may be redacted to remove information not necessary to establish the invention's conception or reduction to practice.)

3) The invention was diligently reduced to constructive practice in this country from prior to May 23, 2001 to the filing of the Subject Application on July 20, 2001, as evidenced by the following facts:

a) The Invention Disclosure document was forwarded to a registered patent attorney on May 15, 2001 (notably, prior to May 23, 2001), with a target filing date of July 15, 2001, for the purpose of preparing and filing a utility patent application, which led to the July 20, 2001 filing of the Subject Application.

b) An initial discussion of the invention with the registered patent attorney was scheduled and held on June 13, 2001.

c) A first draft was distributed to us by the registered patent attorney on June 23, 2001.

d) Following review of the first draft, our comments were sent to the registered patent attorney on June 25, 2001 and June 28, 2001, respectively.

e) A second draft was distributed to us by the registered patent attorney on June 28, 2001.

f) Following review of the second draft, our comments were sent to the registered patent attorney on July 5, 2001 and July 16, 2001, respectively. (Comments from Keith A. Rafferty were excusably delayed, as he was out of the office starting June 30, 2001, returning July 16, 2001, to be at home with his wife and newly-born baby.)

g) Following transmission of a final draft by the registered patent attorney to IBM Corporation on July 16, 2001, we executed an Oath/Declaration therefor on July 18, 2001, after which the Subject Application was filed by IBM Corporation on July 20, 2001.

4) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements are

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

James M. Mathewson, II

07/12/2006  
Date

Keith A. Kuhnert

Date \_\_\_\_\_

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

James M. Mathewson, II

Date

146 R/C  
Keith A. Rafferty

7-12-2006  
Date

Exhibit A  
IBM Rocket RSW920010103451



## Disclosure RSW8-2001-0136

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Jim Mathewson II Created On: 05/02/2001 12:46:30 PM

Last Modified By: Jim Mathewson II Last Modified On: 05/09/2001 09:59:55 AM

Required fields are marked with the asterisk (\*) and must be filled in to complete the form

### \*Title of disclosure (in English)

Time Sensitive Mail Events

### Summary

Status	Under Evaluation
Processing Location	RSW
Functional Area	Hom/WebSphere Connectivity & Edge Solutions
Attorney/Patent Professional	Jeanine Ray/Raleigh/IBM
IDT Team	Marcie Peters/Raleigh/IBM; John Hind/Raleigh/IBM
Submitted Date	05/06/2001 10:16:25 AM EDT
Owning Division	AIM
Incentive Program	
Lab	
Technology Code	
PVT Score	9

### Inventors with a Blue Pages entry

Inventors: Jim Mathewson II/Raleigh/IBM, Keith Rafferty/Raleigh/IBM

Inventor Name	Inventor Serial	Inventor Div/Dept	Inventor Phone	Manager Name
Mathewson II, J.M. (Jim)				
> Rafferty, Keith A.				

> denotes primary contact

### Inventors without a Blue Pages entry

#### IDT Selection

##### \*Main Idea

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

To be able to create e-mail, calendar entry or "to do" tasks that would be time sensitive. Today's e-mail allow you to make mail as urgent, however the only benefit to marking an e-mail urgent is that it moves up to the top of your in-box, but it still requires the receiver to open the mail. The problem with this technique is it doesn't take into consideration that if you don't open the e-mail in a timely manner, you might have missed the purpose of the e-mail. For example, if your manager sends you an urgent e-mail at 9:00 p.m. calling a 10:00 a.m. meeting and you don't get around to opening the e-mail until 11:00 a.m. then it's too late and is no longer urgent.

2. How does the invention solve the problem or achieve an advantage (a description of "the invention", including figures inline as appropriate)?  
It would be beneficial that if you could indicate the time sensitivity of the e-mail, calendar entry or "to do" task and if the user has the e-mail application running that it would come to the foreground, become the active window and the e-mail would automatically be opened and the user would be required to take an action before they could perform another task. Or/And send a page, phone message to the addressees. Actions may include updating status, acknowledgement (return receipt) or other valid actions. It would also be nice to provide a start time and an end time for the time sensitivity status so if in the example of the meeting, if it's over it could change from say urgent to something more appropriate like expired notification.

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?  
Don't know anyone solving this problem.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.  
Not implemented

**\*Critical Questions (Questions 1-9 must be answered in English)**

**\*Question 1**

On what date was the invention workable? 01/01/2001 **Please format the date as MM/DD/YYYY**  
(Workable means i.e. when you know that your design will solve the problem)

**\*Question 2**

Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?

☐ Yes  
☒ No

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

Are you aware of any publications, products or patents that relate to this invention?

☐ Yes  
☒ No

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

**\*Question 3**

Has the subject matter of the invention or a product incorporating the invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?

☐ Yes  
☒ No

Is a sale, use in manufacturing, product announcement, or proposal planned?

☐ Yes  
☒ No

If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made.

Product:

Version/Release:

Code Name:

Date:

To Whom:

If more than one, use cut and paste and append as necessary in the field provided.